

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

ROSALIND A. CLAYTON

Plaintiff

V.

UNITED STATES POSTAL SERVICE et al

Defendants

Case No. 4:23-cv-01186-SRC

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Plaintiff faxed an intent to sue notice to the EEOC March 2, 2023. Plaintiff entered direct evidence in instant case See Exhibits P, Q attached to Plaintiff's Motion in Opposition to USPS Motion to Dismiss. To preserve your claim under federal law, you must file with the EEOC within 300 days of the day you believe you were discriminated against.

Plaintiff submitted direct evidence she timely exhausted ADEA administrative remedies.

Plaintiff didn't file a Federal Tort Claim Act therefore she is not required to exhaust FTCA administrative remedies. USPS attorneys continue to distort the facts in the instant case misleading the court placing Plaintiff in a bad light. Plaintiff is not required to exhaust

administrative remedies 29 U.S.C. 633(a)(c) "*Any person aggrieved may bring a civil action in any federal district Court of competent jurisdiction for such legal equitable relief*". Plaintiff an employee with USPS she has a fundamental right to file a lawsuit

against her employer if she believed she was harassed, discriminated, retaliated, against. The court should not dismiss Plaintiff (1) Equal Pay Act claim. USPS issued

Plaintiff a schedule change that caused the woman's Sunday premium wages to be eliminated See Page Id # 36 38. Equal Pay Act protects against wage discrimination

based on sex. (2) Fourteen Amendment claim 42 U.S.C. 1983 you may sue the state or local officials for the "deprivation of any rights and privilege's secured by constitution.

USPS suspended me for 23 days without just cause, failed to interview & allow her an opportunity to be heard and to challenge the allegations made against me deprived

me of due process. (3) 42 U.S.C. 1981(a) all persons have the same right, to the full and equal benefit of all laws and proceedings for the security of person and property as

is enjoyed by white citizens, the same right to make and enforce contract applies to private and governmental action, such as workplace racially hostile work environment.

(4) 29 U.S. C. 201 – 219 Fair Labor Standard Act (FLSA) provides a national minimum hourly wage (29 U.S.C. 206) mandatory overtime compensation (29 U.S.C. 207) FLSA requires all employers to maintain accurate employee records in accordance to Act and provision. USPS schedule change caused me not to be paid 48 hours of unpaid wages. Section 216(b) of Title 29 provides for an employer civil liability for violation of provision.

(5) Retaliation claims when an employer or superior punishes an employee for engaging in legally protected act. USPS stole over \$1,900 unpaid wages because of USPS discriminatory schedule change. The plaintiff a black woman should have the right to file these claim because she was deprived of benefit, privileges and wages.

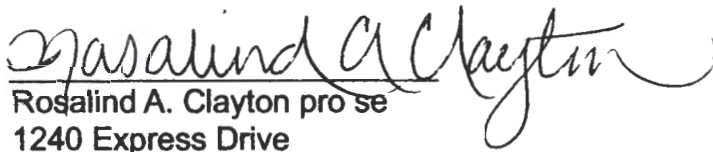
II. Facts

Plaintiff has a right to file 14 count complaint against USPS. The Court should not Dismiss Plaintiff claims 2, 4, 7, based on she failed to exhaust her administrative remedies. Plaintiff bypassed the administrative process. Similarly, the Court should not dismiss plaintiff claims because she did serve the United States with a Summon and Complaint by Certified Mailed tracking # 7012 2210 0002 7510 3225. See Plaintiff Exhibit I attached to Plaintiff Motion in Opposition of USPS Motion to Dismiss. This court has jurisdiction over all civil matters. The Court shouldn't dismiss Plaintiff claims 1,3, 9 and 10 because they are legally unavailable to Plaintiff. This a discriminatory request USPS attorney is implying the law doesn't cover the older, negro, women employees have no right to redress. None of the Plaintiff claim should be dismissed. USPS attorney distorts the fact USPS retaliated against me when I opposed the schedule change USPS immediately USPS began stealing my wages is retaliation. Plaintiff did not add any new claim, USPS stole my wages Oct- 2022- Nov- 2022.

III. Conclusion


The Court should not dismiss Plaintiff claims because she properly served USPS with a summon and complaint via certified mail. USPS issued Plaintiff an Emergency Placement 5 days after the allege emergency occurred is untimely. USPS placed Spain on Emergency Placement. Jan. 2, 2023. Both dates can't be the date of emergency.

Respectfully submitted.


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CERTIFICATE OF SERVICE

The undersigned certify that she deposited a copy of the foregoing documents in the U.S. Postal Service mailbox pre- paid First – Class Mail addressed to the attorneys on record on this 2nd day of February 2024.


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